1947. File No. 0/PCE0/47

Legal Department

G BRANCH

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Subject:—

Opinions of the R.L.A. regarding Cases under Paper Control (Economy) order 1945

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C O N T E N T S.

Legal Department File No. G./PCEO/47.

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Office of the R.L.A.

That is prohibited by clause 9(a) of the Paper Control (Economy) Order, 1945, is the printing or making of a newspaper which was not printed or made in the same language during the period immdeiately preceding 7-11-1942. Under clause 2(h) of the said Order, the expression "print of make" includes the making by handwriting. There is however nothing in these papers to show that the Ahmdabad Kerala Samaj were not making similar hand written Magazine during the period immediately preceding 7-11-1942. This will have to be verified. On verification if it transpires that similar magazine was not not made and regularly published by the Samaj before 7--14-1942, then the Samaj can be said to have continued the provisions of clause 9(a). However as only one copy is issued every three months, the offence would be purely technical. The maxim "de minimis non curat lex" would apply.

Sd.

Remembrancer of Legal Affairs.

U.R. to C.S.D. No. 9330 Dated 19/9/1947.

SS/ 4/7/56.

Office of the R.L.A.

Prosecution of Mr. ~~V.V. Nadap~~.

Paper Control (Economy) Order 1944.

Paper Control (Economy) Order 1945.

The Paper Control (Economy) Order came into force from 1st January 1946. The offence of using excess quota for the year 1945 will therefore come under clause 21 of the the Paper Control (Economy) Order 1944 and the offence of useing excess quota for the years 1946 and 1947 will come under clause 20 of the Paper Control (Economy) Order, 1945. We may therefore deal with these offences seperately.

1945.

From a perusal of clause 21 of the Paper Control (Economy) Order, 1944, it will be seen that the quota for printing books other than text books is calculated on the consumption of the publisher in the printing of such books in 1943. It will be seen from the statement at page 15A that the total consumption for the year 1943, in respect of books other tan text books was 74 618 lbs. His consumption for 1945, is as follows:-

January to March '45-240 lbs.

April to June '45-216 lbs.

July to Septr. nil.

October to December. nil.

According to (b) of clause 21 he could consume only 40% of 618 lbs. for the quarter January to March 1945 and 4th of 60% of 618 lbs. for the quarter April to June 1945. This comes to 62 lbs. and 93 lbs. respectively. The excess consumption is therefore contravened the provisions of clause 21 of the Paper Control (Economy) Order 1944.

1946.

His consumption for printing books other than books during the year 1946 was as follows:-

January to March 1946 - 405 lbs.

April to June 1946 - 253 lbs.

July to Sept. 1946-312 lbs.

Octor. to Dec. 1946- 338 lbs.

Under clause 20 of the Paper Control (Economy) Order, 1945, a publisher can consume during any quarter ¼th of 100% of the quantity of paper consumed in the printing of such books in 1943. This comes to 155 lbs. per quarter (¼th of 618 lbs.)

In respect of the first quarter of 1946, the excess quajtity consumed is 250 lbs. This is in excess of the quantity fixed per quarter viz. 155 lbs. There is therefore a clear breach of clause 20 of the Paper Control (Economy) Order 1945.

In respect of respect of the second quarter the excess is 98 lbs. which is permissible under the proviso to the said clause which provides that the quantity consumed in any quarter may exceed that permitted under this clause subject to the condition that the quantiti permitted to be condumed under this clause in the next quarter shall be inclusive of this excess.

In respect of the 3rd and 4th quarters of this year, the excess quantity consumed is 157 lbs.and 183 lbs. of the 3rd quarter 98 lbs. were consumed in the 2nd quarter, so the publisher could consume only the balance for the last quarter viz. 57 lbs. (155 lbs. - 98 lbs.) + 155 lbs. for the next quarter. He could therefore consume only the 212 ~~balance for the last~~ lbs. He has consumed 312 lbs. i.e. 100 lbs. in excess. He has therefore contravened clause 20 of the Paper Control (Economy) Order, 1945, in respect of the consumption of

In the 4th quarter he could consume 155 lbs. for that quarter and 155 lbs. for the next quarter i.e. 310 lbs. of this 155 lbs. he has already consumed 155 lbs. in the 3rd quarter. There is a clear breach of clause 20 in respect of consumption for this quarter.

1947.

The consumption figures for 1947 for publication and printing of books other then text books are as follows:-

January to March 1947 - 546 lbs.

April to June 1947 - 312 lbs.

In respect of both the quarters there is a clear breach of clause of 20 of the Paper Control (Economy) Order, 1945.

As regards breach of clause 20 of the Paper Cont rol (Economy) Order, 1944, and clause 19 of the Paper Control (Economy) Order, 1945, these papers do not contain sufficient material to proceed against he Publisher. It will have to be proved that he publisher ~~seeked~~ failed to submit the return as required by those clauses before the prescribed dates. The information on this point in these papers is not clear.

The Publisher's contention is that he calculated his quota on his 100% consumption of 1943 for text books and non text books which comes to 1979 lbs. According to his calculation the quarterly quota comes to 494 lbs. Whereas according to our calculation it comes to 155 lbs. Both clauses 20 of the old order and 21 of the new order are clear on the point that the quotas for text and non text books are to be separately calculated and there is non substance in the Publisher's contention.

5 Continued.

In his statement at page 15A the publisher has stated that as he was interned by Government and was in Jail from 9th August 1942, to October 1943, he could not publish books during the year 1943, according to his plan. This seems to be case of genuine hardship but the publisher ought to have brought this to the notice of authorities and tried to get a special quota fixed for him. So long as his quota stands at 618 lbs. he is liable to be prosecuted for consumption of the excess quota.

Remembrancer of Legal Affairs.

U.R. to C.S.D. No. 9388, dated the 22nd Sept. 1947.

SSM / 4/7/56.

Office of the R.L.A.

Prosecution
Paper Price
Control Order
1945.

The shop of M/S. Gordhandas Girdharlal, Booksellers, Dohad, was inspected by the Divisional Paper Inspector, Northern Division on 23-9-1947, when he found that there was no price-board exhibited in the shop except the list of prices of cream laid paper furnished by the mamlatdar on 14-2-1942. This list was not only out of date but also did not exibit prices of paper such as azure laid which was being sold by the shop. A panchanama was therefore drawn in the presence of two panchas. The panchas found in the shop only the list supplied by the mamlatdar on 14-2-1942 and affixed to it a label from Gopal Mills of cream-laid foolscap paper. They state that there was a stock of 5 ere reams and 15 quires ledger papers of Gujarat Paper Mills.

The question for consideration is whether action is feasible against he-e the said firm for breach of clause 11 of the Paper Price Control Order, 1945, ~~of~~ on the evidence available.

Clause 11 of the Paper Price Control Order, 1945, provides that every person other than a manufacturer who sells or offers to sell paper shall prominently didplay in his ~~pa~~place of business a list of wholesale and retail prices of all varieties of paper in which he ~~dela~~s.deals, calculted in accordance with the provisions of clause 7 and shall whenever required by any purchaser or prospective purchaser allow him to examine it. On 23-9-47, ledger paper of the Gujrat Paper Mills was found in his shop and he had not displayed in his shop prominently the wholesale and retail price of this variety of paper. There is a panchanama to prove this. Besides there will be he- the

Besides there will be the evidence of the Panchas and the Paper Inspector. Action against the firm fo breach of clause 11 of the Paper Price Control Order, 1945, is therefore feasible on the available evidence.

However before launching the prosecution, the statements of the panchas and the Paper Inspector may be recorded.

These papers also contain the case against the firm for refusing to sell paper though in stock. The panchanama at p. 17 relates to that offence. There is no date on this panchanama and as 13 more quires of paper was found in stock it seems that this panchanamas ~~was~~ not made on 23-9-47. Refusal to sell is not an offence under the Paper Price Control Order, 1945, and no action against the firm is feasible on this count. The view taken by the Civil Supplies Department on this point is correct.

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Assistant Remembrancer of Legal Affairs.

U.R. to C.S.D. No. 10622

Dated the 6th November., 1947.

SSM / 4/7/56.